



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAR 22 2019

Dean Loren
P.O. Box 34
New York, NY 10002

RE: MUR 7356

Dear Mr. Loren:

The Federal Election Commission reviewed the allegations in your complaint received on March 28, 2018. On March 14, 2019, based upon the information provided in the complaint, and information provided by respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Time Warner; Manhattan Neighborhood Network; and the City of New York, and close its file in this matter. Accordingly, the Commission closed its file in this matter on March 14, 2019. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

A handwritten signature in black ink, appearing to be "LJ Stevenson", written over the typed name and title.

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7356

Respondents: Time Warner,
Manhattan Neighborhood
Network,
City of New York

Complaint Receipt Date: March 28, 2018

Response Date: June 8, 2018¹

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30101(9)(B)(i)
11 C.F.R. § 100.73**

The Complaint alleges that Time Warner, Manhattan Neighborhood Network, and the City of New York provided a prohibited contribution by broadcasting a 12-hour get-out-the-vote marathon on November 8, 2016, which supported Hillary Clinton for President.² Manhattan Neighborhood Network responds that its actions are shielded by the media exemption, as it is not owned or controlled by a candidate, political committee, or political party and it operates the public access channels in Manhattan.³

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in

¹ No response was received from Time Warner or the City of New York.

² The Complaint also contains a number of allegations outside of the Commission's jurisdiction, which are not addressed here.

³ Manhattan Neighborhood Network also asserts that the news program did not contain an appeal to vote for or against a specific candidate, and that the only mention of any candidate was a prediction that Clinton won.

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potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the fact that the media exemption appears to cover Respondents' activity, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

2.27.19
Date

BY: Stephen Gura
Stephen Gura
Deputy Associate General Counsel

Jeff S. Jordan
Jeff S. Jordan
Assistant General Counsel

Kristina Portner
Kristina M. Portner
Attorney

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